

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8426 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHETH ENTERPRISE PVT LTD

Versus

UNION OF INDIA

Appearance:

MR MIHIR H JOSHI for Petitioners
MR AKSHAY H MEHTA for Respondent No. 1
MR MUKESH R SHAH for Respondent No. 2, 3

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

Date of decision: 03/11/1999

ORAL JUDGEMENT

Rule, service of which is waived by Mr. Mehta,
learned Addl. Standing Counsel appearing for respondent
No. 1 and Mr. Shah, learned Addl. Standing Counsel
appearing for respondents nos. 2 and 3 respectively.

2. The only prayer in this petition under Article 226 of the Constitution of India is to direct the respondents to return the amount of Rs. 2,00,000/- with interest thereon @ 18%p.a. to the petitioners. When the matter was taken up for hearing, learned counsels appearing for the parties were present. It was fairly stated on behalf of the respondents that the respondent authorities may be directed to pay upon verification the amount with proportionate interest, if so far has not paid the amount. In our opinion, this submission is quite good, just and fair.

3. Therefore, the respondent authority is directed to refund and return the amount of Rs. 2,00,000/- (Rs. two lacs only) to the petitioners with permissible amount of interest, if any payable. The petition stands allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

3.11.1999. ---

Vyas